

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

MERCHANT CAPITAL, LLC and NEW SUN- )  
SHINE, LLC, )  
Plaintiffs, )  
vs. ) 1:13-cv-00873-JMS-DML  
MELANIA MARKS SKINCARE, LLC, )  
Defendant. )

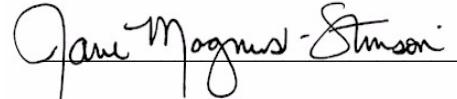
**ORDER**

Pending before the Court is a Motion for Temporary Restraining Order filed by Plaintiffs Merchant Capital, LLC (“Merchant”) and New Sunshine, LLC (“New Sunshine”). [Dkt. 11.] In their motion, Merchant and New Sunshine request that the Court “issue a temporary restraining order and/or preliminary injunction staying the arbitration proceedings commenced by [Defendant] Melania Marks Skincare, LLC (“Melania Marks Skincare”)...in the State of New York before JAMS.” [Id. at 1.] Merchant and New Sunshine also request a “temporary restraining order and/or preliminary injunction enjoining Melania Marks Skincare from attempting to enforce the License Agreement in any manner....” [Id. at 1-2.]

On June 13, 2013, the parties filed a Joint Stipulation to Stay Arbitration, which provided that the arbitration proceedings shall be stayed pending resolution of this case. [Dkt. 20.] A Bench Trial to determine the validity of the License Agreement is currently scheduled for November 12, 2013. [Dkt. 35.] Accordingly, the Motion for Temporary Restraining Order, [dkt. 11], is **DENIED AS MOOT** to the extent it requests a temporary restraining order or preliminary injunction staying the arbitration proceedings. The motion is also **DENIED** to the extent it requests a temporary restraining order enjoining Melania Marks Skincare from attempting to enforce the License Agreement, but **REMAINS PENDING** as to the request for an injunction en-

joining Melania Marks Skincare from attempting to enforce the License Agreement. The validity of the agreement will be the subject of the November 12, 2013 Bench Trial as provided in the Case Management Plan and stipulated to by the parties, [dkt. 24 at 4, ¶ VIII.A].

08/12/2013



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

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